



22 AUG 2008

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23409  
MICHAEL BEST & FRIEDRICH, LLP  
100 E. Wisconsin Avenue  
Milwaukee, WI 53202

In re Application of :  
ZANGARI *et al* :  
U.S. Application No.: 10/552,205 :  
PCT No.: PCT/US2004/010577 :  
Int. Filing Date: 07 April 2004 :  
Priority Date: 07 April 2003 :  
Attorney Docket No.: 047177-9121-US01 :  
For: MODULAR REFRIGERATION UNIT :

**DECISION**

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 11 July 2008.

**BACKGROUND**

On 30 May 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 11 July 2008, applicants filed the subject response which was accompanied by, *inter alia*, exhibits A - C.

**DISCUSSION**

Petitioners failed to satisfy item (2) of 37 CFR 1.47(a) with their prior petition mailed 10 March 2008. Documentary evidence that a complete copy of the subject application was presented to the nonsigning inventor was required.

In the response filed 11 July 2008, petitioners have provided a statement of facts showing that a complete copy of the application was sent to the nonsigning inventor on 05 March 2008. A copy of the cover letter dated 05 March 2008 was provided. Petitioners also submitted evidence demonstrating that the documents were received by Mr. Gutierrez on 07 March 2008.

Mr. Gutierrez responded via email on 11 March 2008 stating that he was not interested in this issue. A copy of this email was provided. This email constitutes a written refusal to cooperate as contemplated by section 409.03(d)(II) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

10/552,205

**CONCLUSION**

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 April 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 March 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including the mailing of a new Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903).



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Mr. Gutierrez:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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